

APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, August 14, 2012, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Kalina, Leider and Member Van de Kerckhove.

ALSO PRESENT: Stephen Robles, Planner, and Tonya Zozulya, Planner.

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:02 p.m.

1.0 ROLL CALL

The roll was called by **Planner Zozulya** and **Chairman Manion** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held Tuesday, July 10, 2012.

Member Kalina moved and **Member Van de Kerckhove** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, July 10, 2012, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 **PUBLIC HEARING** regarding an amendment to Ordinance No. 87-940-26, which was further amended by Ordinance No. 05-1938-01A (which authorized a Special Use for a Fast Food restaurant with drive-through facilities) to permit two drive-thru lanes for the McDonald's restaurant, as well as, revisions to the approved sign package for the restaurant and drive-thru facilities, with Sign Code exceptions to permit two drive-thru menu boards greater in size than the maximum permitted 40 square feet and directional signage that does not maintain a consistent sign design located at 450 Milwaukee Avenue (Franchise Realty Investment Trust - IL).

Planner Robles summarized Staff's memorandum and presented that McDonald's was seeking approval to redevelop their existing single drive-thru facility to accommodate a new double drive-thru operation. The drive-thru modification would primarily affect the central portion of the site, while perimeter parking and main drive aisles would not be affected. To accommodate the new double drive-thru, the six parking spaces west of the existing drive-thru lane would be moved to the area immediately north of the building, resulting in no net loss of parking spaces. **Planner Robles** expressed that Staff had a concern with the drive aisle along the north side of the building where cars could be lined-up for the drive-thru and obstruct the cars parked on either side of the aisle. He noted that Staff was told that should be less of a problem with the introduction of the second drive-thru lane and the increased capacity, but it was still a concern. He expressed to the Zoning Board that it would be worthwhile to consider a reduction of a few parking spaces in the area near the new drive-thru configuration, in order to decrease any such potential parking conflicts. With an excess of 19 spaces above the minimum code requirement, a reduction would not result in parking deficiencies from a code standpoint,

but may reduce the number of desired spaces for McDonald's. Alternately, if conflicts did arise with these potential spaces after construction of the proposed plan, consideration could be given to temporarily blocking those parking spaces and later evaluated to determine any subsequent parking shortages. That being said, **Planner Robles** believed the double-drive thru design would offer great improvement in reducing the drive-thru stacking back-up currently experienced on the site during peak times. In addition, the increased capacity of the drive-thru would also assist in eliminating traffic back-ups onto Milwaukee Avenue. Therefore, Staff was supportive of the request, subject to the condition noted in the memo.

Planner Robles continued that included in the request were revisions to the approved sign package, with Sign Code exceptions. He explained that typically, proposals for sign modifications would be conducted solely by the ARB. However, as the existing sign approvals were joined with the granting of the current Special Use Permit for the restaurant and drive-thru, any changes to the signage required an amendment to the Special Use Ordinance, which was being discussed at a Public Hearing with the Zoning Board. Since the request also included signage, any such consideration was most appropriately conducted through the ARB. Therefore, **Planner Robles** recommended that if the Zoning Board was in agreement that the land use and site operation were not affected by the sign revisions, then any comment regarding sign design be deferred to the ARB.

Mariah DiGrino, DLA Piper, representing McDonald's, confirmed that they are seeking an amendment to the Special Use to add a new double drive-thru in an effort to improve drive-thru efficiency and alleviate congestion on the site and on Milwaukee Avenue. **Ms. DiGrino** also summarized the requested Sign Code exceptions.

Jeff Miller, Watermark Engineering, presented the site plan and explained that the drive-thru expansion is similar to what has been done at many other McDonald's in the area. He then summarized the existing site conditions and the single drive-thru configuration. McDonald's is proposing to expand the drive-thru area to provide two points of drive-thru ordering and merge back into a single lane for pay and pick-up of orders. In addition, the pay window was moved further back in the restaurant building to increase efficiency of the lane stacking and ordering process. The drive-thru expansion would contain an additional 4-5 cars for stacking over the current single layout. **Mr. Miller** pointed out the area of parking where Staff expressed their concerns and noted that McDonald's was willing to block those spaces and see how it works in the future. McDonald's felt comfortable that the side-by-side operation of the drive-thru would not cause a big issue for parking in the future. What has been done elsewhere in similar situations, is McDonald's designating spaces for Managers to help alleviate any conflict with stacked cars from the drive-thru. The landscape plan also showed the significant landscaping being proposed in the drive-thru area. McDonald's is very conscientious about creating an outdoor dining experience as customers drive through the drive-thru area, and create a pleasant experience.

Member Leider sought clarification on the large green space between the drive-thru lane and the restaurant and if there was a proposal for any outdoor eating space. **Mr. Miller** responded that no outdoor seating is proposed and it would be a curbed and landscaped

island.

Member Van de Kerckhove questioned Staff's comment regarding the elimination of parking spaces as it related to the drive-thru and which spaces were in question. **Mr. Miller** illustrated the parking spaces that Staff believed would be most affected by the drive-thru back-up. Discussion ensued regarding the proposed drive-thru and parking configuration compared to the existing layout. **Chairman Manion** verified that any parking and stacking issues would occur during lunchtime, between the hours of 11:30 AM -1:00 PM, to which **Mr. Miller** confirmed. **Chairman Manion** continued that if it was only a limited time that drive-thru staking may interfere with select parking spaces, that it was his belief that it would be best to place cones in the (four parking spaces, north of the building) spaces. **Member Leider** questioned if it made sense to cone the spaces off or to alleviate the problem from the onset by eliminating the four parking spaces and push the green space out? **Chairman Manion** questioned if it was within the Zoning Board's purview to dictate which option was best. **Planner Robles** confirmed that since the site modifications required an amendment the Special Use Permit, if the Zoning Board felt the double-drive thru configuration was acceptable under specific conditions, such as the removal of parking spaces, that was the ability of the Zoning Board to decide. Discussion ensued regarding the merits of blocking or permanently closing off the parking spaces at issue.

Chairman Manion questioned if proper signage and lane markings would be provided to identify the correct way to maneuver through the site when accessing the drive-thru. **Mr. Miller** confirmed that both would be provided.

Ms. DiGrino noted that responses to the Standards for Special Use have been submitted for the Zoning Board's review. **Chairman Manion** confirmed that **Ms. DiGrino** wanted such to be entered into the record, to which **Ms. DiGrino** affirmed.

There being no further public comments, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting.

- 3.2 Consideration and discussion regarding an amendment to Ordinance No. 87-940-26, which was further amended by Ordinance No. 05-1938-01A (which authorized a Special Use for a Fast Food restaurant with drive-through facilities) to permit two drive-thru lanes for the McDonald's restaurant, as well as, revisions to the approved sign package for the restaurant and drive-thru facilities, with Sign Code exceptions to permit two drive-thru menu boards greater in size than the maximum permitted 40 square feet and directional signage that does not maintain a consistent sign design located at 450 Milwaukee Avenue (Franchise Realty Investment Trust - IL).

There was a consensus among the members for this request and the following motion was read:

Member Van de Kerckhove moved and member Leider seconded a motion to approve, and recommend to the Village Board for their approval of an amendment to a Special Use granted by Ordinance No. 87-940-26, and was further amended by Ordinance No. 05-1938-01A, to permit two drive-thru lanes for the McDonald's restaurant, for the

property commonly addressed as 450 Milwaukee Avenue, as presented in a presentation packet submitted by Watermark Engineering, date stamp received August 7, 2012, and as presented in Staff's memorandum dated August 10, 2012, conditioned upon the review and recommendation by the Architectural Review Board of revisions to the approved sign package, with Sign Code exceptions to permit two drive-thru menu boards greater in size than the maximum permitted 40 square feet and directional signage that does not maintain a consistent sign design, and further subject to:

Lane striping shall be added from the entrance to the drive-thru facility and terminate at the parking island at the northwest corner of the building to delineate the drive-thru stacking area from the general parking lot drive aisle.

The motion passed unanimously by voice vote.

- 3.3 **PUBLIC HEARING** regarding a request for the issuance of a Special Use Permit for the establishment and operation of a yoga studio at 300 Village Green, in the R5 Mixed Use General Residence Zoning District (Village Green Baseline LP/2 Hot Yoga).

Tonya Zozulya, Planner, summarized Staff's memorandum to the Zoning Board dated August 10, 2012. She said that the yoga studio would like to occupy an existing 2,300-square foot first-floor space within 300 Village Green (Suite 114, located at the northeast end of the building). This suite was most recently occupied by the Lincolnshire Academy of Dance, which relocated to a larger commercial space in Vernon Hills. In reviewing the Village Green PUD Ordinance, as well as the Village Code, Staff has determined that "yoga studios" is a new use not currently found in either the Village Green PUD or the general Zoning Code. The closest use in the PUD Ordinance is "dance studios", which is allowed with a Special Use Permit only. While informally reviewing the process for this request with the Village Board at their July 23rd meeting, it was determined that the substantially similar operation of a dance studio and yoga studio warranted treating the two uses similarly. As a result, the Village Board referred this request to the Zoning Board for a Public Hearing at their August 13th meeting.

Planner Zozulya noted that the projected enrollment is between 4 and 20 students, per class, on weekdays and between 4 and 25 students, per class, on weekends. In addition, there will be one teacher per class. The number of classes per day will vary between 4 and 6. According to the class schedule, the hours of operation will be 7 days a week, 9 a.m. to 8:30 p.m. on weekdays and 8 a.m. to 5:45 p.m. on weekends.

Planner Zozulya said that in accordance with Village Code requirements, a legal notice of the Public Hearing to consider this request was published in the July 26, 2012 edition of the Lincolnshire Review. In addition, the required certified mailings to adjacent property owners within a 250' radius of the subject site were also provided. **Planner Zozulya** also stated that the Petitioner submitted responses to the required Special Use standards, which were provided to the Zoning Board, and entered into the public record. She noted that the Zoning Board must find that all standards have been addressed and met in order to recommend approval of the Special Use request to the Village Board.

Planner Zozulya indicated that the current Staff is not aware of any issues related to the prior operation of the dance studio use. Staff believes that the projected enrollment will be appropriate for the proposed tenant space. In fact, the average enrollment numbers are only slightly higher than the enrollment projected by the Lincolnshire Academy of Dance (during their Special Use approval) which previously occupied this space. **Planner Zozulya** said that the proposed hours of operation are typical for this type of business in a commercial area, noting that the dance studio in that space had the same evening hours. Staff believes that the yoga studio will have an adequate supply of parking within a short walking distance of its space, based on information provided by the Center landlord and Staff's recent site visits.

Planner Zozulya noted that based on the Petitioner's presentation packet, as well as their responses to the Special Use standards, Staff would recommend approval of the Petitioner's Special Use request for 2 Hot Yoga.

Member Van de Kerckhove inquired as to whether health clubs are on the list of Special Uses at the Village Green as it would be another related use to yoga studios. **Planner Zozulya** responded that although health clubs are a permitted Special Use, Staff felt that dance studios would be the closest use. She also added that health clubs are somewhat different in that they provide a variety of fitness programs in one single space.

Chairman Manion sought clarification regarding the availability of adjacent parking. **Planner Zozulya** provided details.

Mike Lotte, Director of Leasing at Baceline Investments, the owner and landlord of the Village Green Center (Petitioner), was sworn in by **Chairman Manion**. **Mr. Lotte** stated that Baceline acquired the Center in December of 2010. This use would help them achieve a greater level of synergy within the Center, and they feel it is a great use for the Center. The studio is currently located in Highland Park. With regard to parking, he expressed confidence that there will not be any issues, as their existing tenants have different hours. Should there be a parking concern, Baceline will exercise their right to designate parking for the tenants, which is written into tenants' leases. The yoga studio is cognizant of this.

Chairman Manion inquired about the status of the vacant Flatlander's building. **Mr. Lotte** said that Baceline has been working with three prospects for that space. They had previously considered attracting a grocery store to fill that space but decided not to pursue it after learning about the Village's efforts to bring a grocery store on the Village property. The Flatlander's building is approximately 15,000 sq.ft., which is too big for some restaurants, and dividing the space would be a challenge.

There being no further public comments, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting.

- 3.4 Consideration and discussion regarding a request for the issuance of a Special Use Permit for the establishment and operation of a yoga studio at 300 Village Green, in the R5 Mixed Use General Residence Zoning District (Village Green Baceline LP/2 Hot Yoga).

There was a consensus among the members for this request and the following motion was read:

Member Kalina moved and member Leider seconded a motion to approve, and recommend to the Village Board for their approval, a request for the issuance of a new Special Use Permit to permit the establishment and operation of 2 Hot Yoga, at 300 Village Green Drive, within the Village Green of Lincolnshire Retail Center, in the R5 Mixed Use General Residence Zoning District, based on the facts in the Petitioner's presentation packet, dated August 3, 2012, date stamp received August 6, 2012.

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS (None)

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** adjourned the meeting at 7:44 p.m.

Minutes Submitted by Stephen Robles, Planner and Tonya Zozulya, Planner